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"SONHOOD," OR ADOPTION AMONG THE EARLY BABYLONIANS.

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Among the host of dry sales of land and similar transactions, which form the subject-matter of most of the trade-documents of older Babylonia, are a few tablets of great interest to the student of ancient law in that part of the romantic East. To these records of a long-vanished state of society, a few Assyriologists are now turning their attention; one of the most interesting papers upon the subject being Dr. Meissner's "*Die Serie ana ittišu in ihrem Verhältniss zum altbabylonischen Recht*," based partly on new acquisitions by the British Museum, and partly on the old "B." tablets (published by the Rev. J. N. Strassmaier, S. J., in the *Transactions of the Berlin Congress* in 1881), and the grammatical tablets of the Kouyunjik collection.

The more one studies the record of Babylonian private life, the more one becomes convinced, that whatever the disposition of the Assyrians may have been, the Babylonians must have been a very kind-hearted people. This kind-heartedness shows itself in many ways, but more especially, probably, in their custom of adopting children. The existence of tablets referring to this custom in later times,¹ shows that the nation did not change in this respect.

The text which I now examine has already been referred to by Dr. Meissner in the above-named article. He, however, seems not to have regarded it as a contract of adoption, but as a document illustrating the standpoint of the parents towards the children. This it does indicate indirectly—but really it is a tablet of "sonhood" (âplûtu). In justice, however, to my friend Dr. Meissner, I must say, that the fault of this view of the text does not lie with him, for he has done his best with the material at his command, and has excellently translated and compared the extract he has given.

The text in question is numbered B. 42 (Strassmaier 102), and is nearly complete, a few lines only at the beginning and end being broken away, and a few others damaged. The envelope, however, supplies some of the characters wanting on the tablet, and also gives some interesting variants. The language of the text is Akkadian, with a few Assyrian words and phrases here and there.

In translating a new inscription, the first thing to do is to find the "key-word,"

¹ See the *Transactions of the Society of Biblical Archaeology*, Vol. VIII., p. 275, 3d paragraph; and *HEBRAICA*, Vol. III., pp. 13-21.

so to say. The key-word, in this case, is in the second line, and is composed of the characters nam-ibila-ni-šu (or -ku), translated, in *WAI* II. 9, 64, and 33, 7, by ana âplûti-šu, *to his sonhood*,—that is, *as his adopted son*. The word which follows, on our Babylonian tablet, is ingar-*, *he made*, or *placed* (he placed as his adopted son). The general sense of these broken lines was probably to the effect that Êtel-pî-Sin had adopted Bêl-êzzu as his son. The succeeding lines read as follows :

TABLET (*ll. 3 sqq.*).

Ganâ, kirâ, marša, [NIG-GA
bîti-šu-ma(?)]
ana ig-*. *
ša Êtel-pî-[Sin]
iḫḫuz²
Ê[t]el-pî-Sin
ḫamšet âplē iraššû
Bêl-êzzu
IBILA-GI-KIME NIBAËN

The field, plantation, marša, the fur-
niture of his house also(?)
for . . .
which Êtel-pî-Sin
possesses—
Êtel-pî-Sin
has 5 sons—
(to) Bêl-êzzu,
like a son, he will give.

ENVELOPE (*ll. 2 sqq.*).

[Ganâ], kirâ, marša, NIG-GA
bîti-šu-ma(?)
[ša] Êtel-pî-Sin
[û] Sin-naid³ âššati-šu
iḫḫuz⁴
Êtel-pî-Sin û Sin-naid
ḫamšet âplē eraššû⁵
Bêl-êzzu DU-NE-NE
IBILA-GI-KIME NAM NI-
BAËN

The field, plantation, marša, the
furniture of his house also(?)
which Êtel-pî-Sin
and Sin-naid, his wife,
possess—
Êtel-pî-Sin and Sin-naid
have 5 sons—
(to) Bêl-êzzu, their son,
like a son, they will give a share.

From the above it will be seen, that notwithstanding that Êtel-pî-Sin had already five sons, he had no objection to adopting another, to whom, "like a son" [IBILA-GI-KIME, *son + one + like*], he gives a share (for such I take to be the meaning of NAM here) of his property. This interesting section is followed by a portion which, as Dr. Meissner says, is an exact parallel of the tablet of "Family-laws" (*WAI* v. 25, 23-28):

² On the original ni-du-a.

³ As is shown by the seal-impression of Nidnat-Sin, da and id are written alike in this text; hence this reading (cf. Meissner).

⁴ On the original ni-du-a-meš.

⁵ Note this interesting variant form.

TABLET OF "FAMILY-LAWS."

TUKUNDI-BI DU AD-DA-
NA-RA

AD-DA-MU NU-ME-A

BA-AN-NA-AN-GU

[UMBIN MI-NI-IN-ŠA-A

GAR-RA-AŠ MI-NI-IN-DU-

E] [ŠUM⁶

Ū AZAG-GA-AŠ MI-NI-IN-

"If a son to his father

'Thou art not my father'

say,

[he shall set a mark upon him,

place him in fetters],

and sell him for silver."

B. 42, ll. 11 sqq.

7TUKUNDI-BI Bêl-êz-zu

Ê-te-el-pî-Sin-RA AD-DA-

NA

Ū Sin-na-id AMA-NI

AD-DA-MU NU-ME⁸ AMA-

MU NU-ME⁸

BA-AN-NA-GU [MU-UŠ

AZAGA-ŠU BA-AB-ŠUM-

"If Bêl-êzzu

to Êtel-pî-Sin, his father

and Sin-naid, his mother

'Thou art not my father—thou art
not my mother'

say,

they shall sell him for silver."

Notwithstanding the additional phrases on the tablet of "Family-laws," the penalty may be regarded as identical in both cases, for although it was not necessary to "set a mark on him," yet in order conveniently to sell the faithless foster-son as a slave, it would possibly be needful to put him in fetters, or, at least, to tie him up in some way, so as to prevent his escape.

The penalty for ingratitude on the part of the adopted son having been stated, the text of the tablet proceeds to deal with the foster-parents, should they, in their turn, deny their adopted son :

TABLET, ll. 17 sqq.

Ū TUKUNDI-BI

Ê-te-el-pî-Sin

Ū Sin-na-id DAM-A-NI

Bêl-êzzu DU-NI-RA

DU-MU NU-ME DIB-AN-
NA-DU-NE

GA NA, GIŠ-ŠAR Ū MAR-ŠA

GA-LA-NI ŠU-BA-AB-TÊ-
GA

BA-AN—TUM-MU.

MU LUGALA-BI IN-PA.

"And if

Êtel-pî-Sin

and Sin-naid, his wife,

to Bêl-êzzu, their son,

cry out, 'Thou art not my son,'

field, plantation, and marša,

his property,⁹ he may take,

(and) may separate it.

He (Êtel-pî-Sin) has invoked the
spirit of the king."

⁶ See Haupt's *Sumerische Familiengesetze*.

⁷ On the case U-KUR-ŠU, "in future," precedes TUKUNDIBI.

⁸ The envelope has NU-ME-EN in both cases, implying that the final consonant was nasal.

⁹ Meissner translates GALA by *Mitbesitz*.

This apparently means that Bêl-êzzu, the adopted son of Êtel-pî-Sin and his wife Sin-naïd, might claim and take the share of Êtel-pî-Sin's property promised to him, should Êtel-pî-Sin at any time renounce his adopted son.

Whatever the faults of the translation here given may be, the picture presented is, as far as it goes, complete, and the story hangs together consistently. We get rid, moreover, of a difficulty which must have presented itself to some minds when reading a translation of the above-named "Family Laws," namely, how any power on earth could be supposed to dissolve the relationship between parents and their offspring, for *no son, in the sense of the word, can deny his father, any more than a father can deny his son*. They may pronounce the words of renunciation as much as they like, but their relationship remains just as it was notwithstanding. Though a father "cut off his son with a shilling," or with nothing at all, his son is still his son, and nothing can change it. Not so in a case of adoption where the law gives power of renunciation—this relationship, made by a legal form, may also be annulled by a legal form. Babylonian law was therefore in this respect more consistent than has been supposed.

Of course the result of the prevalence of this custom of adoption in Babylonia must have been to multiply lawsuits. In illustration of this the tablet B. 57, in which Ilu-banî, in order to get the property to which he claimed to be entitled, makes solemn declaration to the effect that he was really the adopted son of Sin-magir, may be quoted as a case in point.

Girls were also adopted "to daughterhood"—or, rather (as the Babylonians were obliged to use the abstract from mârû), "to childship" (mârûtu). The only tablet known to me referring to this (B. 26) is unfortunately rather defaced. It seems to relate, however, to the adoption of a girl by a man named Tilligunu(?), but the text requires much study before a satisfactory rendering can be made.